

At a Term of this Court held on February 14,
2005 at the James T. Foley United States Court
House, in the City of Binghamton, New York

PRESENT: HON. THOMAS J. McAVOY
United States District Court Judge

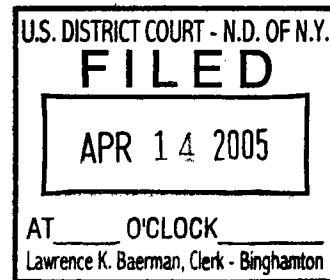
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RICHARD S. THOMSON,

Plaintiff,

- v -

COUNTY OF OTSEGO and
CITY OF ONEONTA



ORDER
3:03-CV-0876
(TJM) (GLS)

Upon the Notice of Motion of Defendant County of Otsego, supported by the Affidavit of James E. Konstanty, Esq., Attorney for Defendant County of Otsego in the above entitled action, sworn to on the 12th day of January, 2005 seeking Summary Judgment pursuant to FRCP 12(b)(6), and the Notice of Motion of Defendant City of Oneonta, supported by the Affidavit of Laura A. Sprague, Esq. of Maynard, O'Connor Law Firm, Attorney for Defendant City of Oneonta in the above entitled action, sworn to on the 12th day of January, 2005 seeking Summary Judgment pursuant to FRCP 56, and the Plaintiff having been served and having submitted an Affidavit, Motion Brief and Statement of Facts in opposition, and the motion having come on to be heard before the Court on February 14, 2005, and now upon due consideration, and having heard by James

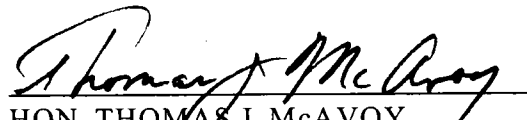
E. Konstanty, Esq., Attorney for Defendant County of Otsego, and Laura A. Sprague, Esq. of Maynard, O'Connor Law Firm, Attorney for Defendant City of Oneonta in support of their respective motions seeking Summary Judgement, and the Plaintiff having made no appearance to be heard, and a Decision in this matter having been rendered by the Court from the bench, a true and complete copy of which is attached hereto and made a part hereof, it is now

ORDERED, that the motion by the Defendant County of Otsego, be and the same is hereby in all respects granted, and the Plaintiff's complaint is hereby dismissed in its entirety, and it is

ORDERED, that the motion by the Defendant City of Oneonta, be and the same is hereby in all respects granted, and the Plaintiff's complaint is hereby dismissed in its entirety.

Dated: April 13, 2005.
Binghamton, New York

ENTER:


HON. THOMAS J. McAVOY
United States District Court Judge